

## Comments on February 7, 2013 PC Agenda Items

The following comments on items on the February 7, 2013 Newport Beach Planning Commission agenda are submitted by: Jim Mosher ( [jimmosher@yahoo.com](mailto:jimmosher@yahoo.com) ), 2210 Private Road, Newport Beach 92660 (949-548-6229)

### **Item No. 1 : Minutes of January 17, 2013**

The following minor corrections are suggested:

Page 2, third line from bottom: "... resulted in direction to reinsert it into the Zoning Code."

Page 4, first sentence: "... consider increased setbacks in ~~case~~ cases where ...".

Page 4, middle paragraph: "He suggested striking out "width" and ~~include~~ substituting "area" to ~~apply to~~ accommodate odd lot configurations." ... "... noting ~~that they would be~~ these were "sub-sections".

Page 4, third sentence from end: "He questioned why the ordinance is not applicable to all R-1 zones in the City."

Page 5, third sentence: "Vice Chair Hillgren indicated he could not support the motion because the item was not noticed to include other areas."

Page 6, third paragraph: "... public views were reviewed on a broad ~~problematic~~ programmatic (?) level ..." ... "... no shade and shadow ~~impacts~~ impact studies were prepared ..."

Page 6, fourth paragraph: "representatives are available to monitor ~~grading project~~ project grading if deemed necessary."

Page 6, fifth paragraph: "Mr. Campbell explained why the maximum hotel intensity of 99,675 square feet was determined ...."

Page 8, second line: "... in conflict with Council ~~policy K3~~ Policy K-3 ..."

Page 9, first line: "...so ~~not~~ no vote is required ..."

## ***Item No. 2 : Mariner's Pointe (PA2010-114)***

Although page 4 of the staff report nicely illustrates the proposed façade changes, it would have seemed equally helpful to have included an exhibit highlighting how the newly proposed **landscaping** differs from that previously approved, and how both overlay the existing and/or proposed public rights-of-way. Perhaps that will be provided in the live report?

As it is, I am unable to fully understand most of the statements about what Caltrans wants and how the proposed landscaping changes accommodate their concerns. I also recall (as is confirmed by Condition 78 of the Council Resolution reproduced on handwritten page 61), that fairly extensive changes to the striping of the roadway in front of the site were expected to be made, and it is unclear to me what kind of striping is now being proposed.

In addition, the staff report suggests that (apparently to make room for the newly proposed display boxes) the new landscaping will encroach more into the rights-of-way than the previous plan, and that will leave much of the landscaping vulnerable to being lost if PCH were to be widened. Given the high volume of traffic on PCH, encroaching into the rights-of-way sounds like a very bad idea, but it remains unclear to me whether other developments in the area have been allowed similar encroachments, and how the street widening is proposed to be accomplished. However those problems are planned to be handled, it would seem any new development, such as this, should be considered with the possibility of street widening in mind.

Finally, page 7 of the staff report, in discussing the possible use of the "display cases" in the screening wall for advertising rather than flowers, refers to a future, and yet-to-be determined, comprehensive sign program that may regulate their use for such purposes. I am surprised a sign program consistent with the Commission's vision for the site was not part of the previous approvals; and also wondering if this aspect of the design change might be primarily a work around to provide the applicant a place for cheap signage that could not have been logically affixed to the previously proposed stone veneer wall. I would suggest prohibiting in-window signage intended to be read from the highway.

With regard to the Draft Resolution of Approval starting on handwritten page 11, the following comments and suggested changes are offered:

Section 1.1: "... a 0.76-acre site located **at** 100-300 West Coast Highway ..."

Section 1.2: "... to ensure ~~the~~ **a** high level of ..."

Section 1.4: "1) changing the stone veneer exterior of a wall **with and adding** awnings and commercial display boxes; 2) reducing the height of a stair/elevator tower; and 3) **changing** landscaping between the building and West Coast Highway." (and if I understand the proposal correctly, "**eliminating** the stone veneer" would seem more accurate than "**changing** the stone veneer.")

Section 1.5: "...at this meeting ~~;~~ **and**"

Section 2: the CEQA finding would seem to be correct only if no significant changes to the use of the highway are being proposed. It is unclear to me exactly what those changes may be.

Section 3.1.A: *"The replacement of the stone veneer on the screen wall located in front of the parking structure ramps on the South Elevation of the project will provide an expanded storefront and stronger retail presence."* As I understand the proposal, the stone veneer is to be replaced with a plain wall, and this is to create a fake storefront rather than an actual *"expanded storefront."* In general I think the change from what looked like a prison wall to a fake storefront is a positive one, but I fail to see why the wall of the fake storefront could not have a stone veneer, or how its elimination is consistent with the promised high level architectural detail.

Section 3.1.E: *"...the total number of palms trees has been reduced from 17 to 13 trees."* It might have helped to indicate, perhaps in the staff report, exactly which 4 palms are being eliminated, and why. And it is unclear from the remainder of this statement if the landscaping proposal being presented to the Planning Commission is actually going to happen. It seems contingent on future negotiations with Caltrans, the outcome of which is uncertain.

Section 3.1.F: *"...providing a hedge and palm tree feature that serves as a unifying design feature that ties the Mariner's Mile corridor together."* For unknown reasons, in the early days of the Coastal Act the northwest corner of the PCH/Dover Drive intersection was (and I think inappropriately) removed from the Coastal Zone. However, the bulk of the Mariner's Mile corridor *is* in the Coastal Zone, and as characteristic as palms may seem in California coastal cities, the Coastal Commission has recently shown a decided displeasure with any use of non-native plants for landscaping (for example, allowing retention of existing palm trees at Marina Park, but not allowing their replacement should they die). As a result, the proposed palm and hedge landscaping may in the future be seen more as an anachronistic aberration than as *"a unifying design feature."*

***Item No. 3 : Uptown Newport (PA2011-134)***

I find this project too large and multi-faceted, and the documentation too voluminous, to comment on it in any meaningful way. However I find it odd that the agenda announcement describing the proposed resolution of recommendation does not mention the making of a recommendation to Council regarding the Airport Land Use Commission's rejection of the project as presented to them – a matter which I think has been handled much too casually and without adequate information. I also find it odd that the agenda packet does not seem to include a copy of the proposed resolution, which, even if there is no need to address the ALUC matter, I would assume has undergone at least some revision compared to the version(s) presented in earlier agenda packets. If nothing else, the proposed date of adoption and the dates on which hearings were held have surely changed.

More specifically, as I understand it the ALUC was in part concerned about giving their blessing to a project which might, subsequent to their approval, be substantially modified by the PC. Rather than encouraging the Council to override the ALUC's pre-PC approval decision, and in the process possibly placing unnecessary liability on the City's taxpayers, I would suggest the Planning Commission include a recommendation that the project as tentatively approved by the PC be sent back to the ALUC for re-evaluation – recognizing that might necessitate further changes and iterations to accommodate the ALUC's concerns. Although the developer may not appreciate the delay, I believe it is clearly in the best interest of the residents of Newport Beach, as well as those who will eventually be living in the project, to have something *both* the PC *and* the ALUC are comfortable with.